

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GEORGE L. VONTRESS

Case No. 2:18-cv-01746-RFB-PAL

Plaintiff,

## ORDER

V.

STATE OF NEVADA, *et al.*,

## Defendants.

Before the Court is Plaintiff's Motion for Preliminary Injunction and Motion for Temporary Restraining Order. ECF Nos. 2, 3. The Court held a hearing on October 2, 2018. The Court does not have Plaintiff's medical records, which the Court requires to determine the merits of Plaintiff's Motions. The Court makes the following findings of fact.

The Nevada Department of Corrections (“NDOC”) contracts with CoreCivic to detain inmates, including Plaintiff, at Saguaro Correctional Center (“SCC”). Contractor CoreCivic has possession of Plaintiff’s medical records. The NDOC and NDOC Director James Dzurenda have the capacity and authority to direct CoreCivic to produce Plaintiff’s medical records. These records are readily available to be produced and copied. The NDOC and NDOC Director Dzurenda are the official custodians of these medical records.

Counsel for the State of Nevada and NDOC Director Dzurenda requested the medical records and has not yet received them. The Court finds no permissible basis for this failure. NDOC Director Dzurenda, through Counsel, has known about the October 2, 2018 hearing regarding injunctive relief for alleged deliberate indifference to Plaintiff's serious medical needs for over two weeks. ECF No. 5. NDOC Director Dzurenda was therefore aware of the Court's need for Plaintiff's medical records but has not secured and provided medical records to the Court. The

1 Court finds that a deadline for production of records accompanied by monetary sanctions is  
2 therefore appropriate and necessary given that this matter involves an ongoing medical issue where  
3 Plaintiff alleges to be in significant and ongoing pain and where records have not previously been  
4 made available to Counsel and the Court, despite the setting of the hearing.

5 Therefore,

6       **IT IS ORDERED** that the NDOC and NDOC Director Dzurenda shall provide Plaintiff's  
7 medical records under seal or *in camera* to the Court by the close of business on October 12, 2018.  
8 Counsel may submit these records by USB flash drive or by CD/DVD. **FURTHER**, if Plaintiff's  
9 medical records are not produced by October 12, 2018, NDOC Director Dzurenda will be fined  
10 \$1,000.00 per day beyond the October 12 deadline, absent some compelling reason.

11       **IT IS FURTHER ORDERED** that NDOC Director Dzurenda shall make Plaintiff's  
12 medical file available to him for review.

13       **IT IS FURTHER ORDERED** that Defense counsel shall find out if the SCC facility has  
14 Mr. Vontress's property (braces) in its possession and inform the Court by close of business on  
15 October 12, 2018.

16       **IT IS FURTHER ORDERED** that the hearing is continued to October 17, 2018 at 10:00  
17 AM in LV Courtroom 7C. The Court will arrange for Mr. Vontress's appearance at these  
18 proceedings via video-conference.

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20       DATED: October 9, 2018.



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21       **RICHARD F. BOULWARE, II**  
22       **UNITED STATES DISTRICT JUDGE**

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